



City of
Melville

**LATE ITEMS AGENDA
UNDER SEPARATE COVER
ORDINARY MEETING OF COUNCIL**

NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that an Ordinary Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 16 September 2025 commencing at 6:30 PM.

**Gail Bowman
Chief Executive Officer**

The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

Use this link to access the [City of Melville Council Meetings YouTube channel](#) to watch the live stream or access the recordings of public Council meetings.



Contents

| | | |
|-----------|---|----------|
| 14 | Reports | 4 |
| 14.2 | Reports of the Chief Executive Officer..... | 4 |
| | Corporate Services | 4 |
| C25/317 | Extraordinary Election - March 2026 | 4 |

14 REPORTS

14.2 Reports of the Chief Executive Officer

Corporate Services

C25/317 Extraordinary Election - March 2026

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| File Number: | |
| Responsible Officer: | Director Corporate Services |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | No officer preparing this report has a conflict of interest |
| Attachments: | Nil |

COUNCIL’S ROLE

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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| <p>SUMMARY</p> <ul style="list-style-type: none"> On 3 September 2024, a vacancy occurred in the Palmyra – Melville – Willagee Ward as a result of the resignation of Tomas Fitzgerald, effective immediately As the resignation was received after last day the City was able to advertise the vacancy and call for nominations, the City is unable to fill this position as part of the October 2025 Local Government Election and an extraordinary election is required. The purpose of this report is to set the date of the extraordinary Election as required by s4.9 of the <i>Local Government Act 1995</i>. |
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OFFICER RECOMMENDATION

That the Council:

- Approves the Extraordinary Election date, to fill the vacancy in the Palmyra – Melville – Willagee Ward to be Thursday 26 March 2026, in accordance with section 4.9(2) and with the approval of Electoral Commissioner, with the term expiring 16 October 2027.**
- Notes a further report will be presented with respect to the method of conducting the Extraordinary Election.**

PURPOSE

This report advises the Council of the extraordinary vacancy created by the resignation of an Elected Member and the options to hold an extraordinary election to fill the vacancy.

STRATEGIC ALIGNMENT

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|------------------|-----|---|
| Outcome | 5 | Leadership and good governance for the benefit of the whole community. |
| Objective | 5 | Good Governance and Leadership |
| | 5.1 | Provide transparent and accountable good governance. |
| | 5.4 | Strengthen active citizen engagement, participation, and access to information. |

BACKGROUND

Former Councillor Tomas Fitzgerald resigned from his role as Councillor for the City of Melville effective Wednesday 3 September 2025. This creates an extraordinary vacancy in the Palmyra – Melville – Willagee Ward.

Former Councillor Fitzgerald was re-elected to his second term on Council in October 2023, with that term due to expire in October 2027. Former Councillor Fitzgerald was in the second year of his term.

An extraordinary vacancy is created when an Elected Member resigns from the office, s2.32(b) of the *Local Government Act 1995* (the Act), and an extraordinary election must be held when the office of councillor becomes vacant (s4.8 of the Act).

The back-fill provisions introduced, through Schedule 4.1A and 4.1B of the Act, for the 2023 Local Government Elections do not apply as these provisions only relate to a vacancy within 12 months of the former members election.

It is noted that the resignation was received on Wednesday 3 September 2025, which was after the last day the City was able to advertise the vacancy and call for nominations.

There is no option for this vacancy to remain unfilled until the 2027 Ordinary Election and the City is required to make arrangements to fill the vacancy by an extraordinary election.

CONSIDERATION

The City is required to set the date for the extraordinary election (the Election Day). The Election Day for an extraordinary election is to be a day:

- that allows enough time for the electoral requirements to be complied with. The process requires up to 70 days after the election notice is published,
- not later than four months after the vacancy occurs (s4.9(2) of the Act), unless the Electoral Commission approves
- set within one month of the vacancy occurring.

For the purposes of an extraordinary election occurring, a vacancy is regarded as occurring when the CEO receives the notice of resignation.

The earliest the City could conduct an extraordinary election would be mid-December 2025, however some aspects of the process would run concurrent to the existing Ordinary Election, which may be confusing for members of the public. Additionally, it is unlikely the Western Australia Electoral Commission (the WAEC) would be able to support an extraordinary election conducted at this time.

The WAEC have advised that they will be conducting extraordinary elections across the state in late March 2026, in order avoid conflict with the current 2025 Local Government Elections, the festive period and the summer school holiday period.

This date requires the approval of the Electoral Commission as it would be later than four months after the vacancy occurred. At the time of preparing this report, informal advice had been received from the WAEC providing authority to fill the vacancy in the Palmyra-Melville-Willagee Ward by extraordinary election to be held on Thursday 26 March 2026.

There are two methods for the Council to consider for the conduct of an extraordinary election:

Option 1 – a postal election where electors mail their ballot through the post or deliver in person. Postal elections must be conducted by the Electoral Commissioner, or

Option 2 – an ‘in-person’ election where a polling would be conducted within the City. This would need managed by the City.

The Act requires that the Council determine the method the extraordinary election will be conducted, and whether to appoint a person, other than the CEO, to be the returning officer or whether to declare the Electoral Commission to be responsible for the Election.

A further report will be presented to the 14 October 2025 Ordinary Meeting of Council for consideration of the cost of the Extraordinary Election and the method of conduct of the Election.

ENGAGEMENT

City officers have consulted with the Western Australian Electoral Commission (WAEC) to clarify the options available, cost estimates and the availability of the WAEC to undertake the election.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

LEGISLATIVE AND POLICY ALIGNMENT

Local government elections are to be conducted in accordance with the provisions of the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997*.

FINANCIAL IMPLICATIONS

At the time of preparing this report, the City does not have a formal cost for the Western Australian Electoral Commission to conduct the Extraordinary Election in March 2026. It is however anticipated that the WAEC costs will be in the vicinity of \$70,000.

CONSEQUENCE

There are no provisions for the Council not to conduct an Extraordinary Election. The current arrangements mean that the Palmyra-Melville-Willagee Ward would only be represented by one Elected Member until the vacancy is filled.

The City could conduct the Extraordinary Election early that this date, however it may conflict with:

- the current Ordinary Election Process;
- the festive period;
- the summer school holidays

Which may impact the nominations and voter turnout for Extraordinary Election.